

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

Essential oil derived from native plants

(Issued by the authority of the Minister for the Environment and Water)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) places certain obligations on the Commonwealth to protect and conserve Australia's native wildlife by regulating international trade in order to protect targeted species against over exploitation and to protect Australian and international ecosystems.

Section 303DB of the EPBC Act provides for the establishment of a List of Exempt Native Specimens (the list). Specimens included in the list are exempt from the trade control provisions that apply to regulated native specimens.

Purpose and operation

The purpose of this instrument is to **include** the following specimens in the List of Exempt Native Specimens:

- *Taxandria fragrans*, *Kunzea ambigua*, *Leptospermum scoparium* and *Melaleuca teretifolia*.

with a notation that inclusion of the specimens in the list is subject to the following restrictions or conditions:

- “Oil derived from plant” for *Kunzea ambigua*, and *Leptospermum scoparium*.
- “Oil derived from artificially propagated plant” for *Taxandria fragrans* and *Melaleuca teretifolia*.

Listing these specimens in the list will allow the export of these specimens without the need for export permits.

Consultation

Paragraph 303DC(3) of the EPBC Act provides that before amending the list, the minister must consult such other Commonwealth minister or ministers and such other minister or ministers of each state and self-governing territory, as the minister considers appropriate.

Four ministers were consulted: Hon James Griffin NSW Minister for Environment and Heritage, Hon Roger Jaensch TAS Minister for Environment and Climate Change, Hon Ingrid Stitt VIC Minister for the Environment and Hon Reece Whitby WA Minister for Environment; Climate Action; Racing & Gaming.

The New South Wales Minister for Environment and Heritage advised that all harvest within the state would occur in accordance with state legislation particularly the *Biodiversity Conservation Act 2016* and the Cut-flower Sustainable Management Plan 2023-2027, which is registered as a Wildlife Trade Management Plan under the EPBC Act, and Biodiversity Conservation Licences registered within NSW. Harvest would also need to consider the protected status of the species and environments.

A representative for the Victorian Minister for the Environment advised there were no conservation concerns for the relevant species.

The Western Australian Minister for the Environment advised that *Taxandria fragrans* and *Melaleuca teretifolia* are both endemic to WA, and that harvesting should be restricted to artificially propagated specimens, as they are found in ecological communities listed or proposed for listing under the EPBC Act, *Western Australian Biodiversity Conservation Act 2016 Act* and are considered conservation significant by the Western Australian Department of Biodiversity Conservations and Attractions.

No comments were received from the Tasmanian Minister for Environment and Climate Change.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

The instrument commences the day after it is registered.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Amendment of List of Exempt Native Specimens Essential oil derived from native plants

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of this instrument is to **include** the following specimens in the List of Exempt Native Specimens:

- *Taxandria fragrans*, *Kunzea ambigua*, *Leptospermum scoparium* and *Melaleuca teretifolia*.

with a notation that inclusion of the specimens in the list is subject to the following restrictions or conditions:

- “Oil derived from plant” for *Kunzea ambigua* and *Leptospermum scoparium*.
- “Oil derived from artificially propagated plant” for *Taxandria fragrans* and *Melaleuca teretifolia*.

Listing these specimens in the list will allow the export of these specimens without the need for export permits

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Tanya Plibersek MP

Minister for the Environment and Water